

REMARKS

Claims 1-42 are pending. Independent claims 1, 13, and 26 are amended. Dependent claims 2-12 and 14-25 are unchanged. Dependent claims 27-42 are newly added.

The claim amendments and new claims are supported by the application as originally filed, for example, at page 6, line 17 through page 7, line 8, and at page 9, line 22 through page 10, line 10. No new matter has been added.

In the Office Action of April 14, 2004, the following rejections were made:

- Claim 1 was rejected under 35 USC §102(b) as anticipated by Canon et al.
- Claims 1-10, 12-18, and 22-26 were rejected under 35 USC §102(e) as anticipated by Beadle et al. (U.S. Pat. No. 6,433,794).
- Claims 11 and 19-21 were rejected under 35 USC §103(a) as obvious in view of Beadle et al.

Applicant's attorney thanks Examiner Parton for discussing the pending claims in the interview of June 4, 2004. In that interview, Applicant's attorney explained to the Examiner the differences between the claimed virtual machine and the teachings of both Cannon and Beadle. Applicant's attorney informed the Examiner that the above claim amendments would be submitted to clarify these distinctions.

Claim 1 defines a virtual machine configurable to function as a browsable virtual machine having the following features:

a request handler worker for handling an incoming query relating to an operational state of the virtual machine;

a plurality of services wherein a service performs operations for replying to the incoming query; and

an operations worker for generating output containing a reply to the incoming query, using at least one of the plurality of services, wherein the reply provides state information regarding the operation of the virtual machine.

The above features of claim 1 provide transparent access, or a small window, to the state of the virtual machine. Users can gather insights about their application and the application's run time characteristics, memory allocations, threads, objects, and time consumed by individual methods, all in real time. (application as originally filed, page 6, line 17 through page 7, line 8).

Cannon does not apply to the virtual machine defined by claim 1. This is because Cannon fails to disclose or suggest a virtual machine which "handl[es] an incoming query relating to the operational state of the virtual machine," and "generat[es] output containing a

reply to the incoming query, using at least one of the plurality of services, wherein the reply provides state information regarding the operation of the virtual machine,” as recited in claim 1. Cannon describes a virtual machine for which performance parameters are measured (page 77, column 1, paragraph 6). But Cannon fails to teach how these performance parameters are measured, much less disclose or suggest the above features of claim 1. Because Cannon fails to disclose “handling an incoming query relating to the operational state of the virtual machine,” and “generating output containing a reply to the incoming query, using at least one of the plurality of services, wherein the reply provides state information regarding the operation of the virtual machine,” Cannon does not anticipate claim 1. Thus, the rejection of claim 1 under 35 USC §102 should be withdrawn.

Beadle similarly fails to disclose or suggest the above features of claim 1. Beadle only discusses a selection module 404 for selecting a JAVA virtual machine (JVM). According to Beadle, a user can access selection module 404, and then select one of several JVMs using GUI 406. (column 6, lines 14-24). Claim 1, on the other hand, provides the feature of “handling an incoming relating to the operational state of the virtual machine,” and “generating output containing a reply to the incoming query, ... wherein the reply provides state information regarding the operation of the virtual machine.” Because Beadle fails to disclose or suggest this feature of claim 1, Beadle fails to anticipate or render obvious the virtual machine defined by claim 1. Thus, the claim rejections in view of Beadle should be withdrawn.

Dependent claims 2-12 and 27-36 are dependent upon claim 1 and are, therefore, patentable over the cited references for at least the same reasons as claim 1.

Independent claim 13 has been amended to incorporate similar features as claim 1. Therefore, claim 13 is patentable over the cited references for similar reasons as claim 1.

Claims 14-25 and 37-42 depend from claim 13 and are, therefore, patentable for at least the same reasons as claim 13.

Independent claim 26 has been amended to recite similar features as claim 1, and is, therefore, patentable over the cited references for similar reasons as claim 1.

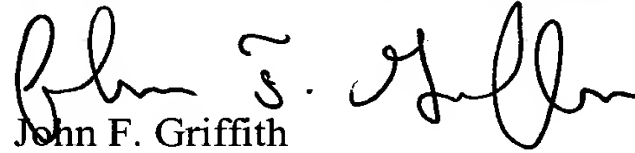
CONCLUSION

In view of the above Amendments and Remarks, Applicant submits that the above-identified application is in condition for allowance. Early notification to that effect is respectfully requested.

Should the Examiner believe that a further telephone conference would expedite the prosecution of this application, Applicant's attorney can be reached at the number below.

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "John F. Griffith", is written over the printed name.

John F. Griffith
Reg. No. 44,137

P.O. Box 778
Berkeley, CA 94704-0778
(510) 843-6200